

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GILBERT JAMES,

Plaintiff,

v.

Civil Action No. 3:11cv00221

ENCORE CAPITAL GROUP, INC., *et al.*

Defendants.

DEFENDANTS' REPLY MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

Defendants, Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc. (collectively, the "Midland Defendants"), by counsel, and pursuant to Fed. R. Civ. P. 33, submit the following reply memorandum in support of their Motion to Compel.

The Midland Defendants disagree with the commentary and misguided legal arguments contained in Plaintiff's "opposition" to the Motion to Compel. Plaintiff could have (and should have) responded to the motion with only the statement on which he concludes his brief: "Plaintiff will supplement the Interrogatory within seven days of the date of this memorandum." (*See* Mem. Opp. at 3). The Midland Defendants are hopeful that this promised response by January 12, 2012 will finally end this issue.

CONCLUSION

WHEREFORE, Defendants, Encore Capital Group, Inc., Midland Funding, LLC and Midland Credit Management, Inc., respectfully request that the Court: (1) grant their Motion to Compel, requiring Plaintiff to immediately supplement his response to Interrogatory No. 7 to include an identification of the subsection(s) of 18 U.S.C. § 1961 under which he is asserting his RICO claim, and to fully set forth all facts and/or application of law to fact in support of such

contentions; (2) grant the Midland Defendants' their attorney's fees and costs incurred in making this motion under Fed. R. Civ. P. 37; and (3) grant the Midland Defendants such further relief that the Court deems appropriate.

**ENCORE CAPITAL GROUP, INC.,
MIDLAND FUNDING, LLC and
MIDLAND CREDIT MANAGEMENT, INC.**

By: /s/ Timothy J. St. George
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January 2012, I filed a true and correct copy of the foregoing on the Court's Electronic Case Filing System, which will send a notice of electronic filing to:

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